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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 **JEAN-MAX DARBOUZE,**

12 Plaintiff,

13 v.
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15 **SPENCER, et al.,**

16 Defendants.
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Case No. 2:23-cv-1419 CSK P

**~~PROPOSED~~ ORDER GRANTING
DEFENDANTS' APPLICATION FOR AN
EXTENSION OF TIME AND REVISED
SCHEDULING ORDER**

18 Plaintiff is a state inmate proceeding pro se in this civil rights action pursuant to 42 U.S.C.
19 § 1983. Before the Court is the application of defendants J. Spencer, Ph.D. and Dr. R. Kim
20 (“defendants”) for an extension of time to file a motion for summary judgment.¹ As discussed
21 below, defendants’ application is granted.

22 I. BACKGROUND

23 Due to difficulties in clarifying defendant Kim’s true name, service of process on
24 defendant Kim was delayed. On March 5, 2025, defendant Kim’s motion to modify the discovery
25 and scheduling order was granted, and the discovery and pretrial motions deadlines were
26 continued to July 7, 2025, and September 29, 2025, respectively. (ECF No. 50.)

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28 ¹ Defendants styled their application, “Ex Parte.” However, the application is not made ex parte,
as this application was mailed to plaintiff at his last known address of record. (ECF No. 62 at 7.)

1 Defendant Kim filed an answer on May 12, 2025. (ECF No. 57.) On June 17, 2025,
2 defendants' motion for extension of time to complete discovery and revise the scheduling order
3 was granted, and the discovery deadline was extended to August 6, 2025. (ECF No. 59.) The
4 September 29, 2025 pretrial motions deadline remained the same. (Id.)

5 Discovery is now closed. On September 23, 2025, defendants filed an application for an
6 extension of time to file a motion for summary judgment. (ECF No. 62.) Counsel needs
7 additional time to obtain declarations from defendants, and to complete investigations to support
8 arguments in their putative summary judgment motion.

9 II. GOVERNING STANDARDS

10 "The district court is given broad discretion in supervising the pretrial phase of litigation."
11 Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal
12 quotation marks omitted). Rule 16(b) provides that "[a] schedule may be modified only for good
13 cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "The schedule may be modified
14 'if it cannot reasonably be met despite the diligence of the party seeking the extension.'"
15 Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting
16 Johnson, 975 F.2d at 607).

17 III. DISCUSSION

18 Defendants seek to extend the deadline to file a motion for summary judgment by forty-
19 five days, to November 13, 2025. Having considered the application, the Court finds good cause
20 for the requested extension and grants defendants' application. The pretrial motions deadline is
21 extended to November 13, 2025.

22 Good cause appearing, IT IS HEREBY ORDERED that:

- 23 1. Defendants' application for an extension of time (ECF No. 62) is granted.
- 24 2. The pretrial motions deadline is extended to November 13, 2025.
- 25 3. In all other respects, the Discovery and Scheduling Order (ECF No. 41) remains in
26 effect.

27 Dated: September 25, 2025
28 /l/darb1419.16b3


CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE